

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

---

CHRISTINA W. DONNELLY, JOHN  
DONNELLY, JAMES G. WILLIAMSON,  
And RICHARD W. DEARBORN  
Individually and On Behalf of All Others  
Similarly Situated,

Plaintiffs,

v.

XYBERNAUT CORPORATION,  
EDWARD G. NEWMAN, STEVEN A.  
NEWMAN, THOMAS D. DAVIS, BRUCE  
C. HAYDEN and GRANT THORTON LLP,

Defendants.

---

Case No. 1:05-cv-334 (JJF)

**STIPULATION AND [PROPOSED]  
ORDER EXTENDING TIME FOR  
DEFENDANT TO ANSWER OR  
OTHERWISE RESPOND**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties  
and/or their counsel for the respective parties, as follows:

1. Drinker Biddle & Reath LLP is authorized to accept on behalf of defendant  
Thomas D. Davis, and does hereby accept, service of the summons and complaint in this action  
without prejudice and without waiver of Thomas Davis's defenses except as to sufficiency of  
service of process;

2. The time for Thomas Davis to move, answer or otherwise respond to the  
complaint in this action is hereby extended to and including forty-five (45) days after the later of:  
(a) the Court's selection of a lead plaintiff pursuant to §21D(a)(3) of the Securities Exchange Act  
of 1934, 15 U.S.C. §78a, *et seq.*, as amended by the private Securities Litigation Reform Act of  
1995 (the "PSLRA"), or (b) the date on which an amended complaint, if any, is served upon  
counsel for Thomas Davis.

Dated: June 13, 2005

**MILBERG WEISS BERSHAD  
& SCHULMAN LLP**

By: Ralph N. Sianni  
Seth D. Rigrodsky (#3147)  
Ralph N. Sianni (#4151)  
Brian D. Long (#4347)  
919 N. Market Street, Suite 411  
Wilmington, DE 19801  
(302) 984-0597 (Tel)  
(302) 984-0870 (Fax)

--and--

**MILBERG WEISS BERSHAD  
& SCHULMAN LLP**  
Steven G. Schulman  
David P. Brower  
Peter E. Seidman  
Sharon M. Lee  
One Pennsylvania Plaza – 49<sup>th</sup> Floor  
New York, NY 10119-0165  
(212) 594-5300 (Tel)  
(212) 868-1229 (Fax)

**HOLMAN LAW OFFICE**  
Thomas A. Holman (TAH-2094)  
One Pennsylvania Plaza — Suite 4632  
New York, N.Y. 10119  
Telephone: (212) 699-4596  
Facsimile: (212) 947-9967

***Plaintiffs' Counsel***

SO ORDERED.

Dated: \_\_\_\_\_, 2005

Dated: June 13, 2005

**DRINKER BIDDLE & REATH LLP**

By: William T. Quillen  
William T. Quillen (#179)  
David P. Primack (#4449)  
1100 N. Market Street, Suite 1000  
Wilmington, DE 19801-1254  
(302) 467-4200 (Tel)  
(302) 467-4201 (Fax)

--and--

**DRINKER BIDDLE & REATH LLP**  
Edward M. Posner  
Susan M. Kennedy  
One Logan Square  
18<sup>th</sup> and Cherry Streets  
Philadelphia, PA 19103  
(215) 988-2700 (Tel)  
(215) 988-2757 (Fax)

***Counsel for Defendant  
Thomas D. Davis***

\_\_\_\_\_  
United States District Judge